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March 10, 2015

To: Mayor Michael D. Antonovich
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Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

From: Sachi A. Hamai
Interim Chief Executive Officer

Board of Supervisors
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First District

MARK RIDLEY-THOMAS
Second District

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Third District

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Fifth District

SACRAMENTO UPDATE - LEGISLATION OF COUNTY INTEREST RELATED TO STORMWATER MANAGEMENT

This memorandum contains reports on the following legislation of County interest:

- **AB 1315 (Alejo)** - related to ensuring that the legal responsibility for the development of Stormwater Pollution Prevention Plans rests with the local agency, not the contractor who executes the design of the project.
- **AB 1362 (Gordon)** - related to defining the term "stormwater" for the purposes of Proposition 218 of 1996, which requires certain actions before property-related revenues from taxes, assessments and fees may be collected for water projects.
- **SB 485 (Hernandez)** - related to allowing the Sanitation Districts of Los Angeles County to assist local jurisdictions in the County in stormwater and dry weather runoff management projects.

Legislation of County Interest

AB 1315 (Alejo), which as introduced on February 27, 2015, would prohibit a public entity, charter city, or charter county from: 1) delegating to a contractor the development of a Stormwater Pollution Prevention Plan (SPPP) used to prevent or reduce water pollution or runoff on a public works contract; or 2) requiring a contractor

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on a public works contract that includes compliance with a SPPP to assume responsibility for the completeness and accuracy of a plan developed by that entity. According to the author's office, this bill would ensure that legal responsibility for design deficiency is on the owner of the project, not the contractor who ultimately executed the design.

This measure is pending referral to a policy committee.

AB 1362 (Gordon), which as introduced on February 27, 2015, would define "stormwater" for purposes of Proposition 218 of 1996 to mean any system of public improvements or service intended to provide for the quality, conservation, control, or conveyance of waters that land on or drain across the natural or man-made landscape. The enactment of this measure would be contingent on approval by the voters of a yet to be introduced State Constitutional amendment.

Pursuant to existing law, Proposition 218 imposes requirements for mailed notice to property owners of new or increased property-related fees and a mechanism for property owner rejection of such fees via a "majority protest" at a public hearing. If written protests are presented by a majority of the property owners, the board may not impose the fee. If there is no majority protest, the board may schedule an election on the fee, which will not be imposed unless and until it is submitted to and approved by a majority vote of the owners of the property subject to the fee.

This measure is pending referral to a policy committee.

SB 485 (Hernandez), which as introduced on February 26, 2015, would authorize the Sanitation Districts of Los Angeles County to construct, operate, maintain, and furnish facilities for the diversion, management, and treatment of stormwater and dry weather runoff, the discharge of the water to the stormwater drainage system, and the beneficial use of the water. The bill does not assess any additional fees or assessments.

According to the author's office, SB 485 would provide cost-effective flexibility to achieve compliance with municipal stormwater requirements by allowing the Sanitation Districts of Los Angeles County to assist local jurisdictions in Los Angeles County in stormwater and dry weather runoff management projects.

This bill is the result of recommendations contained in a report prepared by the Los Angeles Division of the League of California Cities and the California Contract Cities Associations in October 2014. The report, which was prepared in collaboration with local elected officials and city managers, was intended to assist local governments,

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organizations and the public throughout Los Angeles County understand current State and Federal stormwater mandates and the estimated costs of meeting compliance requirements, as well as to propose recommendations on potential funding mechanisms to assist local governments to meet their compliance requirements.

SB 485 is pending referral to a policy committee.

This office is working with the Departments of Public Works, Beaches and Harbors, and County Counsel to analyze these bills and provide information on the potential impact to the County.

We will continue to keep you advised.

SAH:JJ:MR
VE:AO:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants